



**California Regional Water Quality Control Board  
Santa Ana Region**



**Linda S. Adams**  
*Acting Secretary for  
Environmental Protection*

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**Edmund G. Brown Jr.**  
*Governor*

February 14, 2011

Viren Shah  
City of Moreno Valley  
14177 Fredericks St.  
Moreno Valley, CA 92553

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE RECHE VISTA DRIVE REALIGNMENT PROJECT, CITY  
OF MORENO VALLEY, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE  
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332010-26)**

Dear Mr. Shah:

On October 1, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the City of Moreno Valley (City) for the replacement of a winding switchback portion of Reche Vista Drive between the intersection of Reche Vista Drive and Heacock Street, and the northerly city limits. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

**Project Description:** Realignment of existing winding switchback section of Reche Vista Drive between Perris Blvd., Heacock St. and the northern City limits. The proposed 5.51 acre roadway alignment project will impact 0.0068 acres of streambed habitat. The realigned roadway will have a length of approximately 2,000 feet. Roadway improvements associated with the realignment include automated traffic controls and restriping. The work will take place within Section 19, of Township 2 South, Range 3 West, of the U.S. Geological Survey *Sunnymead* quadrangle map (33° 58' 49" N/ 117° 13' 56" W).

**Receiving water:** Tributary to Canton Ranch Lake, tributary to Sunnymead Ranch Lake, tributary to Lake Elsinore

***California Environmental Protection Agency***

Fill area: 0.0068 acres of permanent impact to streambed habitat  
(115 linear feet)

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

**Onsite Water Quality Standards Mitigation Proposed:**

- None

**Offsite Water Quality Standards Mitigation Proposed:**

- Purchase a 0.1-acre credit in Santa Ana Watershed Authority's in-lieu fees program.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2010-0033 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity.

The proposed project is subject to a Nationwide Permit issued by the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act.

Pursuant to the California Environmental Quality Act (CEQA), the California Department of Transportation adopted a Mitigated Negative Declaration for the project on October 12, 2009. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of the project as shown in the associated environmental impact report or negative declaration prior to reaching a decision on the project. The Regional Board has considered the City's Mitigated Negative Declaration in the issuance of this Certification and

independently finds that changes or alterations have been required, or incorporated into the proposed project, which avoid or mitigate impacts to water quality to a less than significant level.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15164, an addendum to the City's adopted negative declaration dated September 2010 was prepared. An addendum to an adopted negative declaration is acceptable, if only minor technical changes (as stated within the September 2010 addendum) or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Also, an addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

**This 401 Certification is contingent upon the execution of the following conditions:**

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 3) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 4) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 5) Damage to vegetation within must be minimized to the maximum extent practicable.
- 6) All vehicles and equipment entering the work area must be free of viable propagules of non-native plant species which may be discharged to waters of the State or to land where they may eventually be discharged to waters of the State.

- 7) A copy of this Certification and any subsequent amendments must be maintained on site as a denoted element of the project's storm water pollution prevention program.
- 8) The applicant shall mitigate the loss of waters of the State in the form of payment of in-lieu fee for 0.1-acre to the Santa Ana Watershed Authority and proof of payment shall be submitted to this office prior to commencement of construction.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

(a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.

(b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

(c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

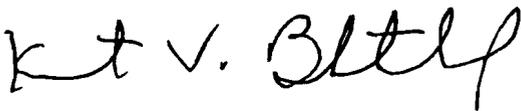
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:

[www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo\\_2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold  
Executive Officer  
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert  
Department of Fish and Game – Anna Milloy  
State Water Resources Control Board, Office of Chief Counsel – David Rice  
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8  
State Water Resources Control Board DWQ – Water Quality Certification Unit

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